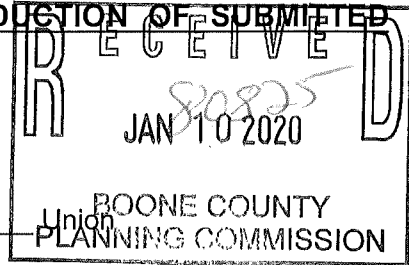


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations



SECTION A (To be completed by applicant)

- 1. (Check One) Boone Florence [checked] Walton
2. Conditional Use Permit 2x Variance Appeal
3. Applicant's Name Riegler Blacktop, Inc. Address 165 Weaver Road Florence KY 41042
4. Description of Request: Request for a variance to the rear buffer yard distance requirement for the TempFlex new office project. + Reduce 500' Frontage req. for 2 curb cuts
5. Name of Development New Building for TempFlex Industrial Solutions, LLC
6. Location of Development 136 Mullen Drive, Walton, KY 41094
7. Acreage Under Review 2 acres
8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 6 Section 2 of the North Walton Commerce Park
9. Owner of Property TempFlex Industrial Solutions, LLC Address of Property Owner 1330 Cox Ave Erlanger KY 41018
10. Erlanger KY 41018
11. Proposed Use(s) on Site Industrial Manufacturing
12. Total Square Footage of Existing and/or Proposed Buildings 16,640
13. Current Zoning on Property I-1/CD
14. Deed Book 1117 Page No. 662 Group No. 2080
15. Is the site subject to a zone change? No
16. Have you submitted a Site Plan with this request? Yes
17. Have you submitted a list of adjoining property owners with this request? Yes
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: [Signature]
ORIGINAL Applicant's Signature: [Signature]

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 1-9-20 Fee Received \$1,582.⁰⁰ Receipt # 80825
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
~~_____~~ **Approved**
2/10/20 **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: SEE 2/10/20 Meeting Minutes
AND CLK

7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: Riegler Blacktop Inc. for Tempflex Industrial Solutions, LLC

LOCATION: Lot 6 of North Walton Commerce Park
The property is located on the northeast side of Mullen Drive and is located between 130 and 142 Mullen Drive, Walton, KY

ZONING: Industrial One (I-1)

DATE: February 10, 2020

PROPOSAL

The applicant has submitted the following applications:

1. A Variance to reduce the landscaping buffer yard along the rear property line from 80 feet in width to 25 feet in width. The submitted plans show that Buffer Yard B will be planted in this buffer (see applicable regulations below).
2. A Variance to reduce the minimum frontage requirement from 500 linear feet to 235 linear feet to allow a development to have two access points on Mullen Drive.

APPLICABLE REGULATIONS

Section 250 of the Boone County Zoning Regulations states the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on Variance applications. A Variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board needs to evaluate the requests as they relate to the variance criteria, as listed in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Section 3221 of the Boone County Zoning Regulations states that a proposed development is permitted one access point for each 500 feet of site frontage.

Buffer Yard Table #1 in Article 36 of the Boone County Zoning Regulations requires Buffer Yard D to be installed when a developing I-1 property adjoins an agricultural zone.

Buffer Yard Table #2 in Article 36 of the Boone County Zoning Regulations requires the following plantings in Buffer Yard D:

Buffer Yard D (option 1) - Landscaping required per 100 linear feet at 80' wide:

- 20 Evergreen trees from Plant List D (Planted in double row).
- 11 large trees from Plant List A.
- 40 shrubs from Plant List C

Buffer Yard D (option 2) - Landscaping required per 100 at 40' wide with a 6' tall berm, fence, or masonry wall. Fences or walls used must be located in the center of the buffer and fences must provide 100% opacity. The maximum slope for the berm is 2.5 to 1.

- 20 Evergreen trees from Plant List D (Planted in double row).
- 11 large trees from Plant List A.
- 20 shrubs from Plant List C

Buffer Yard Table #2 in Article 36 of the Boone County Zoning Regulations requires the following plantings in Buffer Yard B:

Landscaping required per 100 linear feet at 20' wide:

- 5 Evergreen trees from Plant List D.
- Any 6 large, medium, small, or additional evergreen trees from Plant List A, B, C, or D.
- 30 shrubs from Plant List E or 15 shrubs from Plant List C

RELEVANT SUBDIVISION HISTORY

1. On March 12, 2001, the City of Walton approved an Ordinance which rezoned an approximate 115 acre site from Agricultural Estate (A-2) and Rural Suburban (RS) to Industrial One (I-1) to allow light industrial uses.
2. On November 22, 2004, the Walton Board of Adjustment approved the following Variances for lots 1, 2, and 3 of North Walton Commerce Park:
 - A. Reduce the front yard setback requirement from 50' to 30';
 - B. Reduce the rear yard setback requirement from 50' to 30'; and
 - C. Reduce the landscaping buffer requirement on the rear property line from 40' in width (Buffer Yard D) to 20' in width.

A condition was imposed on the approval which required the rear buffer yards to contain 10 small trees (Plant List C) and 10 large trees (Plant List A, B, or D) every 100 linear feet. At least half of the selected trees had to be an evergreen species.

3. On July 17, 2006, the Walton Board of Adjustment approved a Variance to reduce the rear yard landscaping buffer requirements of lot 4 of North Walton Commerce Park from 40 feet in width (Buffer Yard D) to 20 feet in width. A condition was imposed on the approval which required the rear buffer yards to contain 10 small trees (Plant List C) and 10 large trees

(Plant List A, B, or D) every 100 linear feet. At least half of the selected trees had to be an evergreen species.

4. On May 10, 2011, the Walton Board of Adjustment approved a Conditional Use Permit and Variance. The Conditional Use Permit allowed Metro Lift Propane to expand their business onto the adjoining 0.5002 acre tract. The Variance allowed two curb cuts on Mullen Drive.

SITE CHARACTERISTICS

The 1.9961 acre site is located on the northeast side of Mullen Drive and has 235' of street frontage. The property is currently undeveloped and is covered scrubby vegetation. Boone County GIS shows the topography of the parcel ranges from 928' above sea level along the northwest property line to 920' above sea level along Mullen Drive and 916' above sea level at the northeast property corner. A row of deciduous trees is located along the rear property line.

STAFF COMMENTS

1. The Board needs to analyze the Variance criteria before acting on the requests.
2. The subdivision history section of the report indicates the following:
 - A. Similar buffer yard Variance requests were approved for lots 1, 2, 3, and 4 of North Walton Commerce Park.
 - B. A similar curb cut Variance was approved for Metro Lift Propane. The business is now operating as Amerigas.
3. Staff has been to North Walton Commerce Park numerous times over the years and usually observes little to no traffic on Mullen Drive. Staff also believes there is excellent sight distance from the proposed curb cuts.
4. Staff received an email from Daniel Rice, with Boone County Public Works, regarding the curb cut Variance and he indicated no concerns. Mr. Rice reviews Encroachment Permit applications for new access points on streets that are located in the City of Walton.
5. Staff recommends the following conditions if the requests are approved:
 - A. The rear buffer yard shall be 25' in width and shall be landscaped with Buffer Yard B plantings.
 - B. The front and side buffer yards shall comply with the Boone County Zoning Regulations.

CONCLUSION

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Walton Board of Adjustment and Zoning Appeals the authority to act on the requests.

Respectfully submitted,

Todd K. Morgan, AICP
Senior Planner, Zoning Services

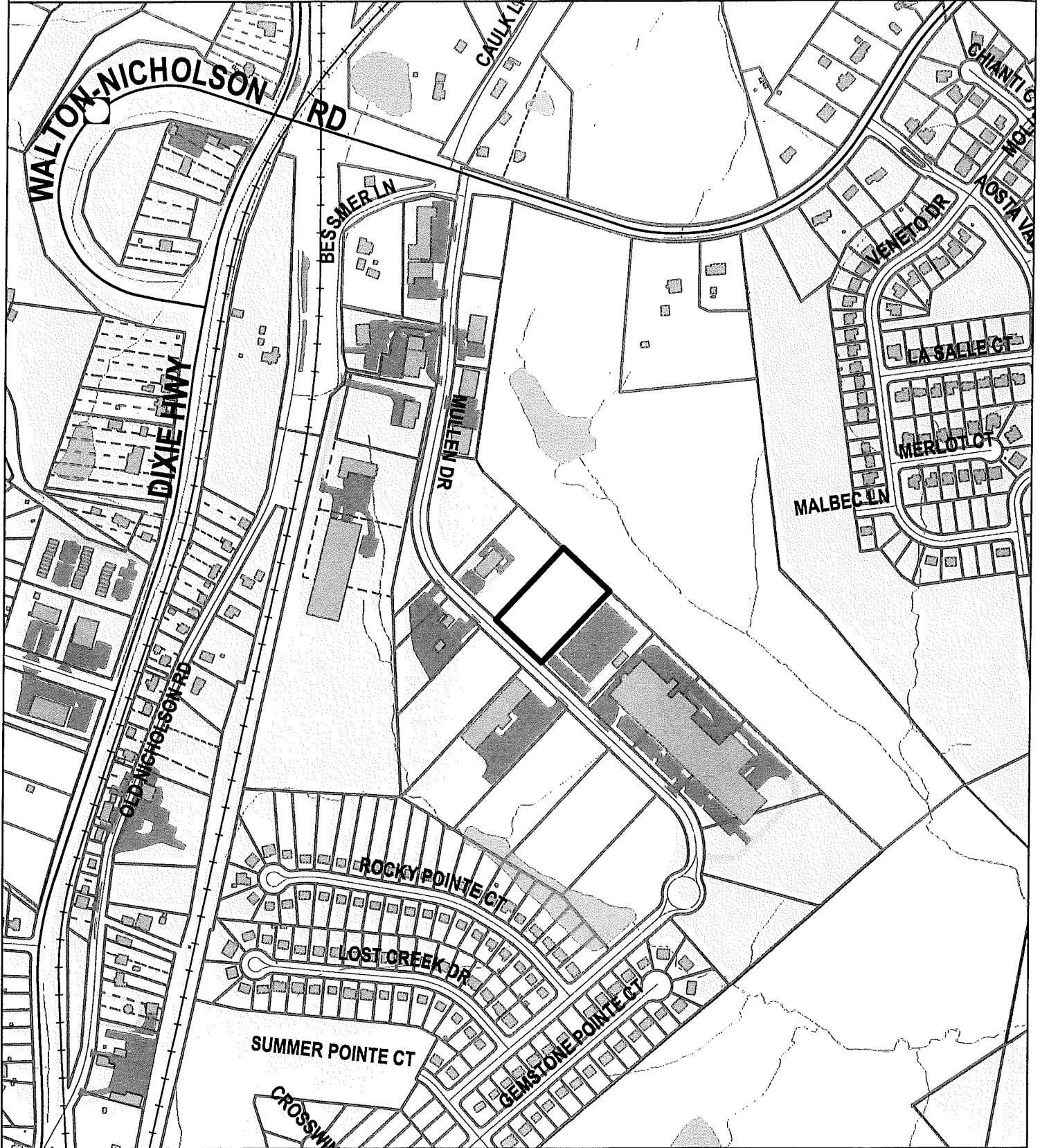
TKM/ss

Attachments

- *Site Vicinity Map
- *Applicant's Preliminary Plan
- *Final Plat - North Walton Pointe Subdivision
- *2016 Aerial Map
- *Topographical Map
- *Zoning Map
- *1/24/20 Email From Daniel Rice
- *Application

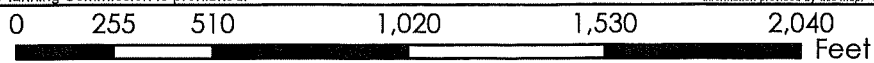
SITE VICINITY MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map



and the minimum civil responsibility, until successors and assigns, forever, non-exclusive easements, as shown on the within plat and designated as "Utility Easement" for the construction, operation, maintenance, repair or replacement of any and all necessary fixtures for the overhead or underground distribution of gas, electric, telephone or telecommunications, or other utilities. Said utility companies shall have the right of ingress and egress and also the right to cut trim or remove any trees, undergrowth and adjacent shrubs within said easement or immediately adjacent thereto. No buildings or other structures may be built within said easement, nor shall any easement be physically encumbered so as to (1) reduce, obstruct or interfere with the use, maintenance or operation of any of the facilities; (2) impair the ability to maintain the facilities or (4) create a hazard. To have and to hold the said easements forever. We acknowledge having full power to convey this easement and will defend the same against all claims.

Date: _____ Signed: _____

"I CERTIFY THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, AND COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS, AND THAT DEDICATED AREAS INCLUDING PUBLIC WAYS OR STREETS ARE CURRENTLY OWNED BY THE PROPERTY OWNER."

Date: 3-11-03
 James W. Bejling
 [Signature]

DEDICATION CERTIFICATE

"I (We) hereby certify that (I am) (We are) the owner(s) of the property shown and described hereon and that (I) (We) hereby adopt this plan of subdivision with (my) (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks, and other open spaces to public use as noted. (I) (We) further certify that title to the property shown hereon was acquired by Deed recorded in Deed Book 787, Page 708, of the Boone County Clerk's office. (I) (We) understand that for acceptance of continuous maintenance, (I) (We) must petition the appropriate legislative body after a certain time period."

Date: _____

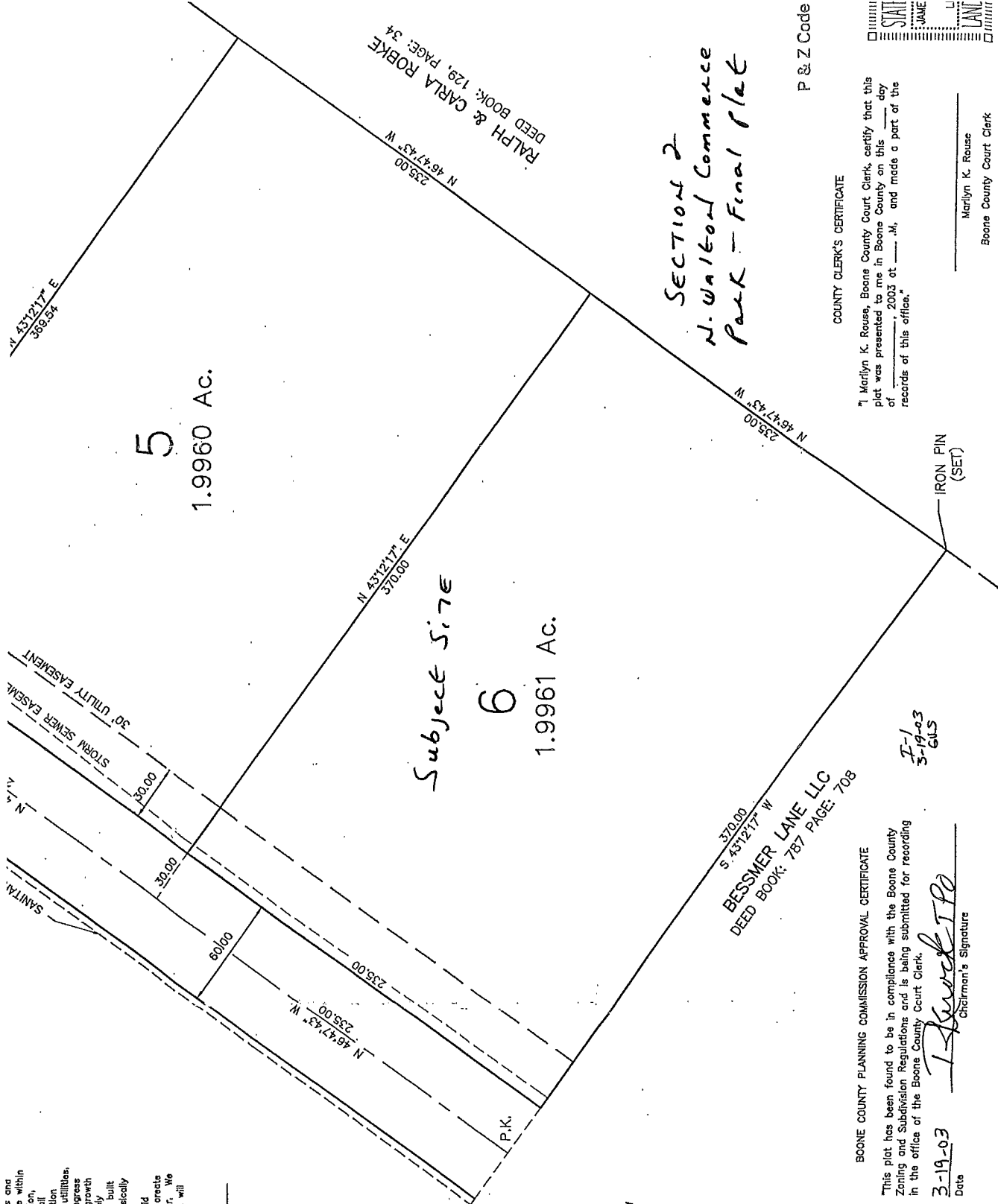
State of _____

County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2003 by

Notary Public

My Commission Expires: _____



COUNTY CLERK'S CERTIFICATE

"I, Marilyn K. Rouse, Boone County Court Clerk, certify that this plat was presented to me in Boone County on this _____ day of _____, 2003 at _____ M., and made a part of the records of this office."

IRON PIN (SET)

Marilyn K. Rouse
 Boone County Court Clerk

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE

This plat has been found to be in compliance with the Boone County Zoning and Subdivision Regulations and is being submitted for recording in the office of the Boone County Court Clerk.

Date: 3-19-03
 [Signature]
 Chairman's Signature

BESSEMER LANE LLC
 DEED BOOK: 787 PAGE: 708

I-1
 3-19-03
 GUS

P & Z Code



RALPH & CARLA ROBKE
 DEED BOOK: 129, PAGE: 34

SECTION 2
 N. Walton Commerce
 Park - Final Plat

5
 1.9960 Ac.

6
 1.9961 Ac.

Subject Site

N 43°12'17" E
 369.54'

N 43°12'17" E
 370.00'

N 48°47'43" W
 235.00'

S 43°12'17" W
 370.00'

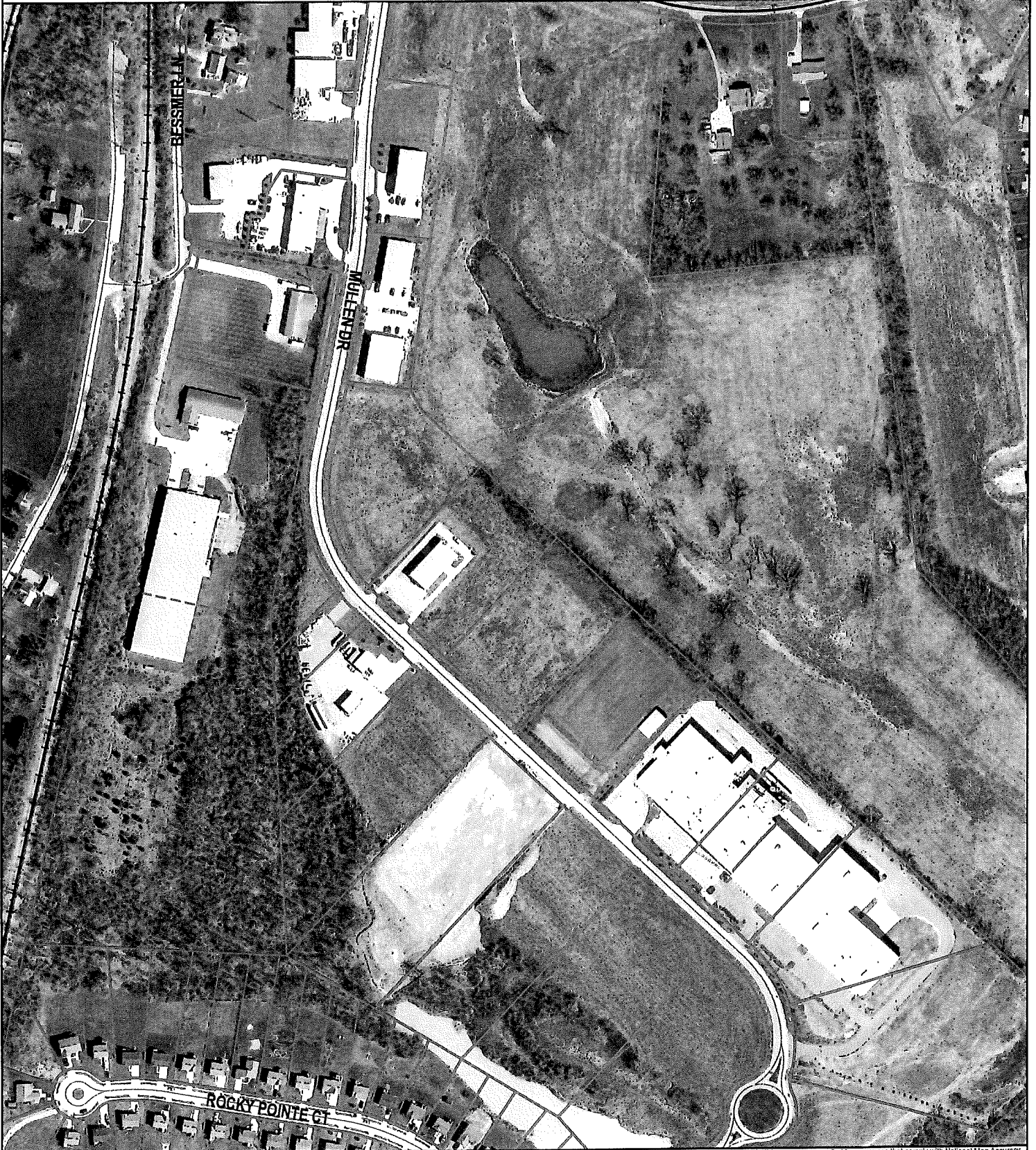
N 48°47'43" W
 235.00'

30' UTILITY EASEMENT
 30' STORM SEWER EASEMENT
 30' SANITARY

P.K.

2016 AERIAL MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

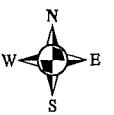
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

0 150 300 600 900 1,200 Feet

1 inch = 300 feet

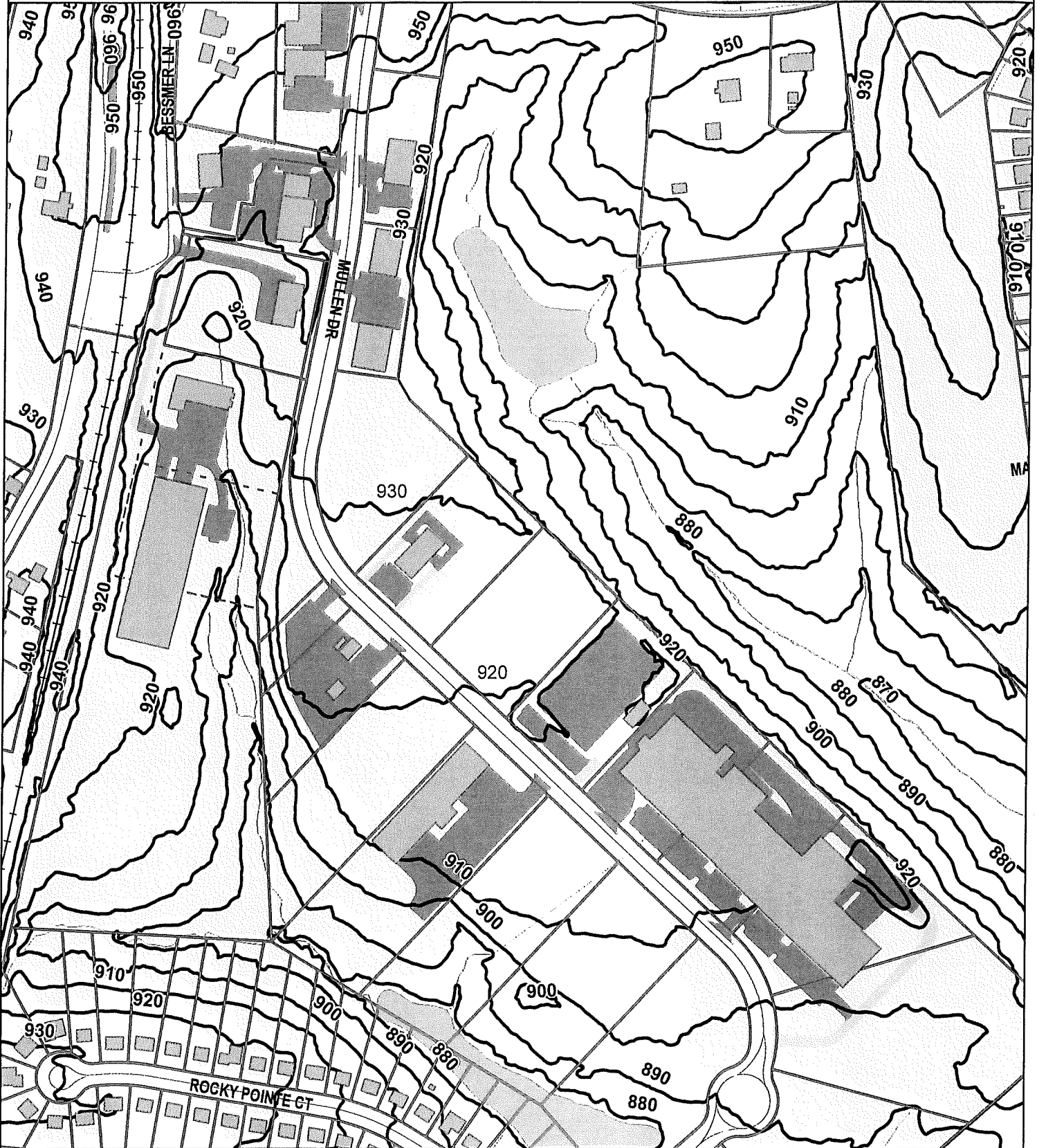


Boone County GIS - Putting Northern Kentucky on the Map



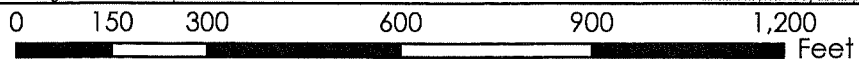
TOPOGRAPHICAL MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 300 feet



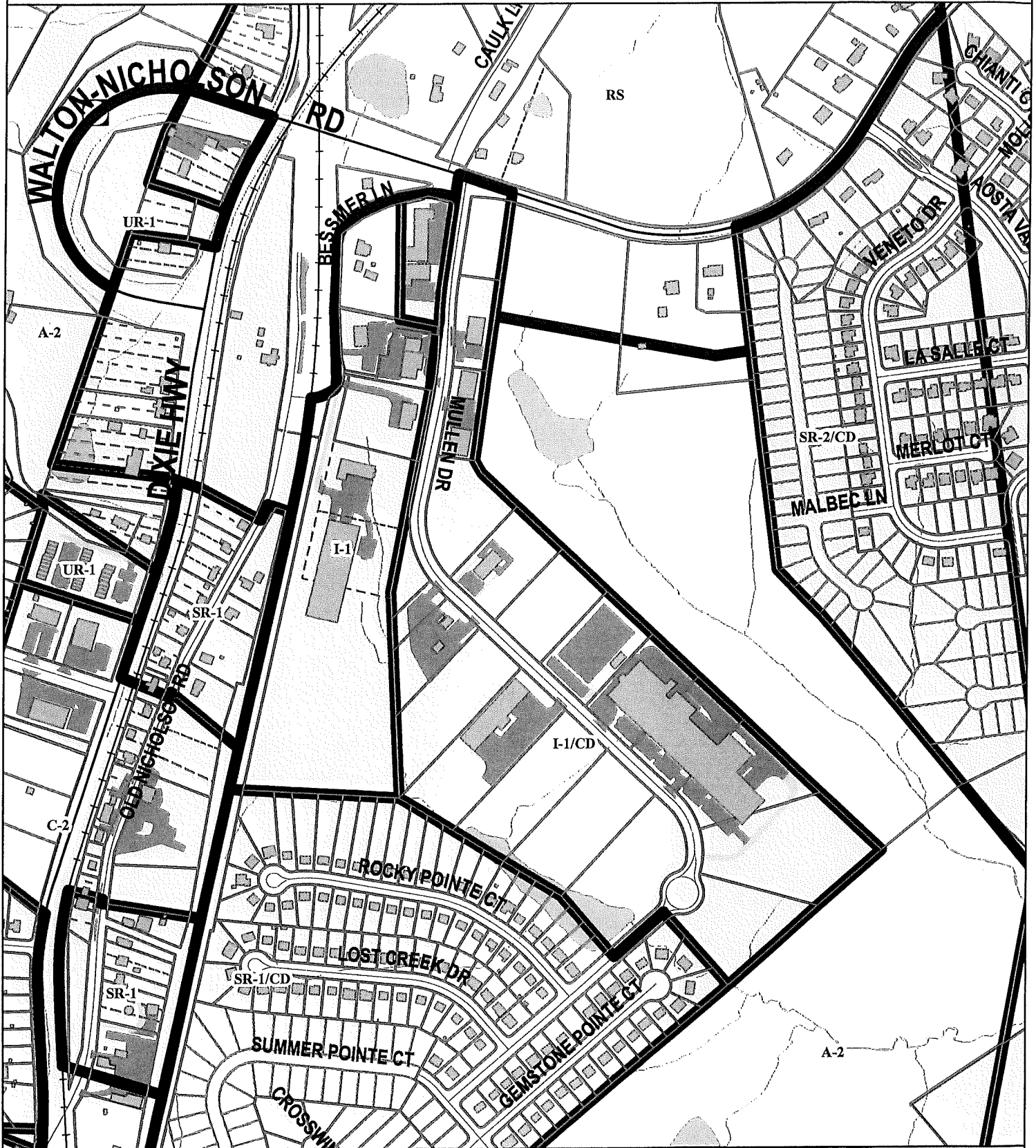
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

ArchMap Document: BooneMap (file).road

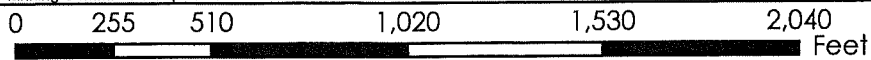
ZONING MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 Inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map

Todd Morgan

From: Daniel Rice
Sent: Friday, January 24, 2020 1:16 PM
To: Todd Morgan
Subject: Mullen Ln.
Attachments: Concept2.pdf

Todd,

I have reviewed and visited the site on Mullen Dr. I do not have any issues with the 2 curb cuts even though it does not meet the specifications for road frontage.

Thanks,

Daniel Rice

Engineering Services Supervisor

Boone County Public Works

Office: 859-334-4809

Cell: 859-743-1395

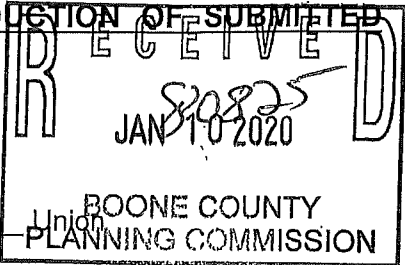
drice@boonecountky.org | <http://www.boonecountky.org>

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations



SECTION A (To be completed by applicant)

(Check One)

1. Boone Florence Walton

(Check One)

2. Conditional Use Permit 2x Variance Appeal Change in Non-Conforming Use

3. Applicant's Name Riegler Blacktop, Inc. Applicant's Address 165 Weaver Road Florence KY 41042

4. Description of Request: Request for a variance to the rear buffer yard distance requirement for the TempFlex new office project. + Reduce 500' Frontage

5. Name of Development New Building for TempFlex Industrial Solutions, LLC 6. Location of Development 136 Mullen Drive, Walton, KY 41094

7. Acreage Under Review 2 acres

8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 6 Section 2 of the North Walton Commerce Park

9. Owner of Property TempFlex Industrial Solutions, LLC Address of Property Owner 1330 Cox Ave

10. Erlanger KY 41018 Erlanger KY 41018

11. Proposed Use(s) on Site Industrial Manufacturing

12. Total Square Footage of Existing and/or Proposed Buildings 16,640

13. Current Zoning on Property I-1/CD

14. Deed Book 1117 Page No. 662 Group No. 2080

15. Is the site subject to a zone change? No If yes, give date of approval

16. Have you submitted a Site Plan with this request? Yes

17. Have you submitted a list of adjoining property owners with this request? Yes

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

CLUR #20-WBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Tempflex Industrial Solutions, LLC
1330 Cox Avenue
Erlanger, KY 41094
2. ADDRESS OF PROPERTY
Mullen Drive
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Tempflex Industrial Solutions Building
4. DEED BOOK 1117 PAGE NO. 662 GROUP NO. 2080
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment: Conditional Use Permit
From To
- Development Plan Conditional Zoning
- Subdivision Plat Other:
(Not Recorded)
- (2) Variances
6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL


Todd K. Morgan, AICP – Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

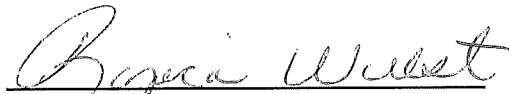
on behalf of the Boone County Planning Commission this 11 day of February, 2020.



Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:



Ronica Wuest
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the (2) variances approved by the Walton Board of Adjustment and in accordance with the current zoning in effect as of February 10, 2020 Certificate of Land Use Restriction (#20-WBOA-001-A), for Tempflex Industrial Solutions, LLC, Property Owner(s).

The following conditions will apply:

1. The rear buffer yard shall be 25' in width and contain Buffer Yard B plantings. 50% of the required trees shall be an evergreen species.

The approved variance (2) as well as the preceding conditions apply to the property described in:

DEED BOOK 1117

PAGE NO. 662

GROUP NO. 2080